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### **Remarks/Arguments**

Applicants respectfully request favorable reconsideration of the subject application, particularly in view of the above amendment and the following remarks. There is no additional fee for this amendment because the number of independent claims and the total number of claims in the application remain unchanged.

In the specification, Applicants have amended paragraphs [0022], [0023], and [0025] to delete the word “supply” when referring to air plenum 14, thereby providing consistency with the rest of the specification.

Applicants have amended Fig. 1 of the drawings by adding the omitted reference element 47, which is indicated, for example, in paragraph [0018] to refer to a blower box.

Claims 1-32 are currently in the application. Applicants have amended Claims 1 and 19 to clarify that the plurality of spaced apart pairs of spaced apart first and second heated air distribution plenums are vertically spaced, which vertical spacing is clearly reflected, for example, in Figs. 2 and 3, and also to clarify that a heating surface is disposed between each spaced apart first and second heated air distribution plenums, which is clearly supported at Page 9, lines 1-9 of the specification. Accordingly, Applicants respectfully urge that this amendment incorporates no new subject matter into the application and is fully supported by the

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### **Amendments to the Drawings**

The attached sheet of drawings includes changes to Fig. 1. This sheet replaces the original sheet containing Fig. 1. In Fig. 1, previously omitted reference element 47 has been added.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

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application as originally filed.

Applicants have amended Claim 15 to address an issue of antecedent basis raised by the Examiner. In particular, the phrases “said first side” and “said second side” have been replaced by the phrases “said --front-- side” and “said --back-- side” consistent with Claim 1 of the application as originally filed. Claim 15 has also been amended to correct the antecedent basis for the phrase “said air supply plenum”, which phrase has been amended to read “an air plenum” consistent with the terminology of the specification. Applicants respectfully urge that this amendment is fully supported by the application as originally filed and, thus, incorporates no new subject matter into the application.

The drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference element 47 mentioned in the description. In response thereto, Applicants have amended Fig. 1 of the drawings by adding the omitted element. Applicants respectfully urge that this amendment to the drawings overcomes this objection.

Claim 15 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner has indicated that there is no proper antecedent basis for each of “said first side”, “said

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second side”, and “said air supply plenum” in lines 3 and 5 of the claim. In response thereto, Applicants have amended Claim 15 as described herein above, which amendment Applicants respectfully urge overcomes this rejection.

The invention claimed by Applicants is a dual conveyor heating apparatus comprising a blower box and a heating space in fluid communication with the blower box. The heating space has a back side proximate the blower box and an opposite facing front side distal from the blower box. Disposed within the heating space are a plurality of *vertically* spaced apart pairs of spaced apart first and second heated air distribution plenums, each plenum having a heated air inlet opening in fluid communication with the blower box. The spaced apart pairs of heated air distribution plenums form a return air conduit therebetween extending between the front side and the back side of the heating space and having a return air outlet end in fluid communication with the blower box. Each of the first and second heated air distribution plenums has a substantially planar heated air distribution plate facing a space between the first and second heated air distribution plenums and having a plurality of heated air outlet openings. Disposed between each spaced apart first and second heated air distribution plenums is a heating surface suitable for supporting an object to be heated. Applicants respectfully urge that the prior art relied upon by the Examiner as the basis for rejection of the subject application neither teaches nor

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suggests the heating apparatus of the invention claimed by Applicants.

Claims 1-2, 8-10, 19, and 21-23 have been rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al., U.S. Patent 5,131,841 (hereinafter “the Smith et al. patent”). This rejection is respectfully traversed. The Smith et al. patent teaches a method and apparatus for heating a product which includes a plurality of tapered ducts in a cabinet above and below a conveyor to form streams which are directed toward the product. Spent air is drawn through return ducts which have intake openings centered between entrance and exit openings in the cabinet and centered between lateral edges of a conveyor and between the tapered ducts to provide a balanced flow of spent air in the cabinet to the return opening. As clearly shown, for example, in Fig. 1 of the Smith et al. patent, there is but *a single heating surface* in contrast to the plurality of heating surfaces required by Applicants’ claimed invention. Also as clearly shown in Fig. 4, the spaced apart pairs of spaced apart first and second heated air distribution plenums are *horizontally spaced apart* rather than vertically spaced apart as required by Applicants’ claimed invention. Applicants respectfully urge that it is precisely this horizontal spacing apart of the spaced apart first and second heated air distribution plenums that limits the apparatus of the Smith et al. patent to a single heating surface. Given that the spaced apart pairs of spaced apart first and second heated air distribution plenums are not vertically spaced apart

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as required by Applicants' claimed invention, Applicants respectfully urge that the Smith et al. patent does not anticipate the invention claimed by Applicants in the manner required by 35 U.S.C. 102(b).

Claims 1-2, 8-10, 14-15, and 19-23 have been rejected under 35 U.S.C. 102(b) as being anticipated by Shei et al., U.S. Patent 4,757,800 (hereinafter "the Shei et al. patent"). This rejection is respectfully traversed. The Shei et al. patent teaches a cooking apparatus including a cooking chamber having a pair of openings in two opposite facing walls thereof and a conveyor extending through the sidewall openings and the chamber for conveying a food product through the chamber. The apparatus further includes spaced apart first and second pairs of impingement finger ducts, which, as clearly shown in Fig. 5, are *horizontally spaced apart* rather than vertically spaced apart as required by Applicants' claimed invention. Accordingly, Applicants respectfully urge that the Shei et al. patent does not anticipate the invention claimed by Applicants in the manner required by 35 U.S.C. 102(b).

Claims 11, 12, and 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Smith et al. patent. This rejection is respectfully traversed. The Examiner states that the Smith et al. patent discloses the invention substantially as claimed with the exception of a nozzle wall that is longer on a side of the heated air outlet opening distal from the blower box as required by Applicants'

claimed invention. The Examiner then argues that the particular length selected is deemed an obvious matter of design choice. In support of his argument, the Examiner cites Page 13, lines 2-6 of the subject application, based upon which the Examiner indicates that no patentable weight can be given thereto in the absence of a showing of criticality by Applicants. Applicants respectfully disagree. Applicants are claiming a dual conveyor heating apparatus comprising heated air distribution plenums having a plurality of heated air outlet openings, at least a portion of which comprise a nozzle wall extending in a direction of the heating surface. Applicants are further claiming one embodiment of the claimed invention in which *the nozzle wall is longer on a side of the heated air outlet opening distal from blower box* (Claims 11, 12 and 24). *No specific length for any portion of the nozzle wall is claimed*; rather Applicants are claiming a relationship between the lengths of various portions of the nozzle, *the purpose of which is to produce substantially vertical air jets in contrast to the forward motion of the air jets in conventional ovens which causes a large mass of heated air to be lost to the room in which the oven is located* (Paragraphs [0026] to [0029] of the specification of the subject application). Thus, not only is a particular length for the nozzle wall not claimed by Applicants as indicated by the Examiner, but also the claimed relationship between the lengths of portions of the nozzle wall as claimed by Applicants provides a clearly articulated and critical function, namely reducing the

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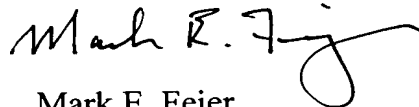
loss of heated air produced in the claimed apparatus to the surrounding environment. Thus, Applicants respectfully urge that it clearly is not the case that the nozzle wall lengths as claimed by Applicants constitute an obvious matter of design choice. Accordingly, Applicants respectfully urge that the Smith et al. patent does not render the invention claimed by Applicants obvious in the manner required by 35 U.S.C. 103(a).

#### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants urge the Examiner to contact the undersigned.

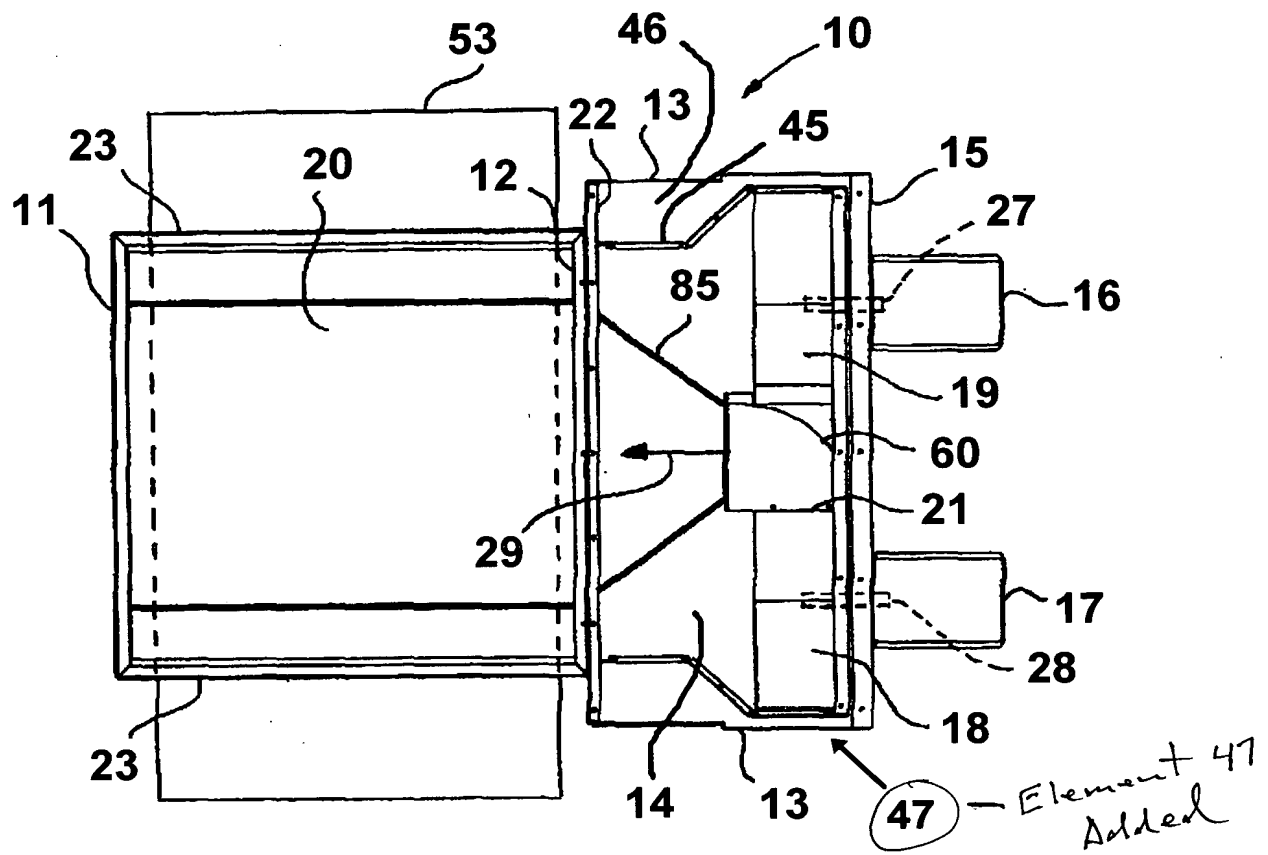
Applicants sincerely believe that this patent application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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**Fig. 1**